

BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

**ELLEN S. SCHAEFFER, M.D.**

Holder of License No. 34518  
For the Practice of Allopathic Medicine  
In the State of Arizona

Case No. MD-07-0081A

**CONSENT AGREEMENT FOR  
LETTER OF REPRIMAND**

**CONSENT AGREEMENT**

By mutual agreement and understanding, between the Arizona Medical Board ("Board") and Ellen S. Schaeffer, M.D. ("Respondent"), the parties agreed to the following disposition of this matter.

1. Respondent has read and understands this Consent Agreement and the stipulated Findings of Fact, Conclusions of Law and Order ("Consent Agreement"). Respondent acknowledges that she has the right to consult with legal counsel regarding this matter.

2. By entering into this Consent Agreement, Respondent voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on the matters alleged, or to challenge this Consent Agreement in its entirety as issued by the Board, and waives any other cause of action related thereto or arising from said Consent Agreement.

3. This Consent Agreement is not effective until approved by the Board and signed by its Executive Director.

4. The Board may adopt this Consent Agreement or any part thereof. This Consent Agreement, or any part thereof, may be considered in any future disciplinary action against Respondent.

5. This Consent Agreement does not constitute a dismissal or resolution of other matters currently pending before the Board, if any, and does not constitute any waiver,

1 express or implied, of the Board's statutory authority or jurisdiction regarding any other  
2 pending or future investigation, action or proceeding. The acceptance of this Consent  
3 Agreement does not preclude any other agency, subdivision or officer of this State from  
4 instituting other civil or criminal proceedings with respect to the conduct that is the subject  
5 of this Consent Agreement.

6 6. All admissions made by Respondent are solely for final disposition of this  
7 matter and any subsequent related administrative proceedings or civil litigation involving  
8 the Board and Respondent. Therefore, said admissions by Respondent are not intended  
9 or made for any other use, such as in the context of another state or federal government  
10 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or  
11 any other state or federal court.

12 7. Upon signing this agreement, and returning this document (or a copy thereof) to  
13 the Board's Executive Director, Respondent may not revoke the acceptance of the  
14 Consent Agreement. Respondent may not make any modifications to the document. Any  
15 modifications to this original document are ineffective and void unless mutually approved  
16 by the parties.

17 8. If the Board does not adopt this Consent Agreement, Respondent will not  
18 assert as a defense that the Board's consideration of this Consent Agreement constitutes  
19 bias, prejudice, prejudgment or other similar defense.

20 9. This Consent Agreement, once approved and signed, is a public record that will  
21 be publicly disseminated as a formal action of the Board and will be reported to the  
22 National Practitioner Data Bank and to the Arizona Medical Board's website.

23 10. If any part of the Consent Agreement is later declared void or otherwise  
24 unenforceable, the remainder of the Consent Agreement in its entirety shall remain in force  
25 and effect.

1 11. Any violation of this Consent Agreement constitutes unprofessional conduct  
2 and may result in disciplinary action. A.R.S. § § 32-1401(27)(r) ("[v]iolating a formal order,  
3 probation, consent agreement or stipulation issued or entered into by the board or its  
4 executive director under this chapter") and 32-1451.

5  
6  
7 *Ellen S. Schaeffer, M.D.*  
8 ELLEN S. SCHAEFFER, M.D.

DATED: *January 7<sup>th</sup>, 2009*

**FINDINGS OF FACT**

1  
2       1.     The Board is the duly constituted authority for the regulation and control of  
3 the practice of allopathic medicine in the State of Arizona.

4       2.     Respondent is the holder of license number 34518 for the practice of  
5 allopathic medicine in the State of Arizona.

6       3.     The Board initiated case number MD-07-0081A after receiving notification  
7 from a hospital that Respondent left the emergency department (ED) prior to the arrival of  
8 the covering physician and for failure to report patient's status to the covering physician.

9       4.     On December 14, 2006 at 8:00 a.m., Respondent presented for a 24-hour  
10 shift at the ED and during the course of her shift she became ill. At 10:00 a.m.,  
11 Respondent contacted the ED medical director to find a replacement; however the medical  
12 director was unable to find a covering physician. From 12:00 p.m. until 5:00 p.m., several  
13 patients were waiting to be seen by Respondent and the nursing staff attempted to contact  
14 Respondent several times and Respondent did not respond.

15       5.     At 4:47 p.m., patient YM was admitted to the ED. The nursing staff attempted  
16 to contact Respondent to see YM, but Respondent was not available to take the call. At  
17 5:25 p.m., Respondent transferred a patient to another hospital and was then seen leaving  
18 the hospital before a covering physician arrived. At that time, the nursing staff contacted a  
19 local ED physician to cover the ED until the on-call physician arrived at a later time. At  
20 5:55 p.m., the covering physician arrived at the hospital and did not see or receive a report  
21 from Respondent regarding patient's status.

22       6.     The standard of care requires an ED physician who provides single coverage  
23 in an ED to provide verbal direction to the nursing staff and to give a report on the patients  
24 to the covering physician. Respondent deviated from the standard of care because she  
25 failed to provide direction to nursing staff and did not give a report on the patient's status to

1 the covering physician. The quality of patient care in the ED could have been  
2 compromised.

3 **CONCLUSIONS OF LAW**

4 1. The Board possesses jurisdiction over the subject matter hereof and over  
5 Respondent.

6 2. The conduct and circumstances described above constitute unprofessional  
7 conduct pursuant to A.R.S. § 32-1401(27)(q) ("[a]ny conduct or practice that is or might be  
8 harmful or dangerous to the health of the patient or the public).

9 **ORDER**

10 IT IS HEREBY ORDERED THAT:

11 1. Respondent is issued a Letter of Reprimand.

12 2. This Order is the final disposition of case number MD-07-0081A.

13 DATED AND EFFECTIVE this 4<sup>th</sup> day of Feb, 2009.

14 ARIZONA MEDICAL BOARD

15 (SEAL)

16 By 

17 LISA S. WYNN  
18 Executive Director

19 ORIGINAL of the foregoing filed  
20 this 4<sup>th</sup> day of February, 2009 with:

21 Arizona Medical Board  
22 9545 E. Doubletree Ranch Road  
23 Scottsdale, AZ 85258

24 EXECUTED COPY of the foregoing mailed  
25 this 4<sup>th</sup> day of February, 2009 to:

26 Scott A. Holden  
27 Holden & Armer  
28 6101 S. Rural Road, Suite 118  
29 Tempe, AZ 85283-2910

1 EXECUTED COPY of the foregoing mailed  
2 this 9<sup>th</sup> day of Feb, 2009 to:

3 Ellen S. Schaeffer, M.D.  
4 Address of Record

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7 Investigational Review  
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